IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1578 OF 2004

Masku Satta Tambe & Ors. .. Petitioners.
Vs.
Manku Yesu Karande & Ors. .. Respondents.

Mr.Tanaji Mhanagale i/b Shri Anil V.Anturkar for the petitioners.
Mr.Vilas B.Tapkir for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 22ND SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioners and the respondents.

2. By consent of the learned counsel for the parties, the petition is heard for admission.

3. The writ petition challenges the concurrent findings recorded by the courts below on the application at Exhibit-5. The application Exhibit-5 was allowed by the trial Court vide order dated 6.2.2002. That order was carried in appeal by the petitioner and the appeal also came to be dismissed on 27.11.2003. No interim order was passed while issuing notice to the respondents. Keeping that in view and considering that there are concurrent findings

recorded by the courts below and as I find that there is sufficient material on record to sustain those findings and considering extremely limited jurisdiction of this court under Article 227 of the Constitution of India to disturb the finding of fact this petition cannot be entertained and it is dismissed as such. The trial Court, however, shall decide the suit on merits in accordance with law without being influenced by the observations made in the impugned orders. The writ petition is disposed of.

(D.B.Bhosale, J.)